



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Carol Napp

H.B. 438

132nd General Assembly
(As Introduced)

Reps. Hambley and Kick, Seitz, Brenner, Stein

BILL SUMMARY

- Permits a "local" school district to sever its territory from its current educational service center (ESC) and annex its territory to an adjacent ESC, so long as that district severed and annexed its territory under a substantially similar provision of law that was repealed in 2011.
 - Permits the governing board of any ESC (rather than only the governing board of a joint ESC) to add appointed members to the board.
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CONTENT AND OPERATION

Local district severance from one ESC and annexation to another

The bill permits a "local" school district to sever its territory from its current educational service center (ESC) and annex its territory to an adjacent ESC, so long as that district severed and annexed its territory under a substantially similar provision of law that was repealed on June 30, 2011, by H.B. 153 of the 129th General Assembly.¹

The bill specifies that a severance and annexation action is subject to both approval of the State Board of Education and referendum by petition of the district's voters. That action cannot be effective sooner than one year after July 1 after the later of (1) the date the State Board approves the action or (2) the date voters approves the action at a referendum election, if one is held. If a district severs from its ESC and

¹ R.C. 3311.059(A).

annexes to another, it cannot do so again for at least four years after the effective date of the prior action.²

Appointed members to ESC governing boards

The bill permits the elected members of any ESC governing board to add appointed members to the board. Currently, this provision applies only to the governing boards of joint ESCs (those formed by combining up to five adjacent ESCs into one³). Law unchanged by the bill specifies that the number of appointed members may be up to one less than the number of elected members, except that the total number of elected and appointed members must be an odd number.

The bill requires these members to be persons elected to offices that have not been determined to be incompatible with service as a member of an ESC governing board by the Attorney General or a court. Additionally, if the appointed members are representative of the "client" school districts of the ESC, the bill specifies that they must represent client districts that are not otherwise represented on the board.⁴

Background on ESCs

An ESC is a public regional service provider that can contract with any school district, community school, STEM school, or private school. A school district with a student count of 16,000 or less must have an agreement with an ESC, while larger districts are permitted, but not required, to do so.⁵ Each ESC has its own superintendent and a governing board made up of representatives of the "local" school districts located in the county or counties within its service territory. Generally, members of an ESC's governing board are elected by the voters of those "local" school districts. An ESC governing board also may have a minority of appointed members. These appointed members may represent "city" and "exempted village" school districts receiving services from the ESC.⁶

² R.C. 3311.059(B) through (E).

³ R.C. 3311.053, not in the bill.

⁴ R.C. 3311.056.

⁵ R.C. 3313.843, not in the bill.

⁶ R.C. 3311.05 and 3311.053 to 3311.57, none except 3311.56 in the bill.



HISTORY

ACTION

DATE

Introduced

12-07-17

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